

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY JAKUBIAK,

Plaintiff,

X

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20 Civ. 10842 (LGS)

-against-

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ORDER

QUANTUMSCAPE CORPORATION,

Defendant.

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X

LORNA G. SCHOFIELD, District Judge:

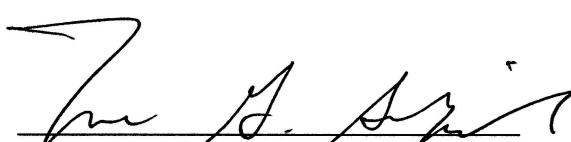
WHEREAS, on December 22, 2020, Defendant removed this putative class action from state court and, on December 28, 2020, filed a pre-motion letter, proposing to file a motion to dismiss (Dkt. No. 7);

WHEREAS, Plaintiff filed a response, indicating that he intends to file a motion to remand by January 21, 2021, which is thirty days after the date of removal (Dkt. No. 18). Per 28 U.S.C. § 1447, a motion to remand based on any defect *other than lack of subject matter jurisdiction* must be made within thirty days after the filing of the removal notice;

WHEREAS, the parties filed a joint status letter and proposed case management plan, indicating that they are amenable to settlement discussions (Dkt. No. 19). The joint materials also provide that Defendant seeks a stay pending resolution of his motion to dismiss, which Plaintiff opposes. It is hereby

**ORDERED** that the January 14, 2021, conference is **CANCELLED**. The parties shall engage in settlement discussions, and a settlement referral will issue separately. The parties shall file a joint status letter **within two business days** of the completion of settlement conference, apprising the Court of the outcome of settlement discussions. If the case is not resolved, the Court will enter a cross-motion briefing schedule for Plaintiff's anticipated motion to remand and Defendant's proposed motion to dismiss, with the Plaintiff's motion to remand due within **two weeks** of the completion of settlement conference. Discovery is stayed pending settlement discussions and resolution of the parties' motions if filed.

Dated: January 12, 2021  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE